Appl. No. 09/822,586 Amendment dated December 13, 2005 Reply to Final Office Action of October 17, 2005

## REMARKS/ARGUMENT

The Examiner has rejected claims 29-31, 33-34, 39-41, 43-44, 49-51, and 53-54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,266,452 to McGuire (herein the "McGuire patent"). The Examiner has also rejected claims 32, 35-38, 42, 45-48, 52, and 55-56 under 35 U.S.C. § 103(a) as being unpatentable over the McGuire patent and other patents.

Applicants herein amend the independent claims 29, 39, and 49 to include the limitation and subject matter of claims 35, 45, and 55 respectively. Accordingly, claims 35, 45, and 55 have been cancelled.

Applicants respectfully traverse the rejection of the subject matter of claims 35, 45, and 55 by submission of the enclosed (a) Declaration under 37 C.F.R. § 1.130 and (b) Terminal Disclaimer. In accordance with 35 U.S.C. § 103(c) and 37 C.F.R. § 1.130(a), the primary Section 103 reference cited against the present application, the McGuire patent, is a commonly-owned patent in accordance with Section 103(c).

Applicants respectfully submit that the application is now in condition for allowance. If the Examiner has any questions, please feel free to contact the undersigned at 609 951-2522. Authorization is hereby given to charge any fees which may be required, except the issue fee, to Deposit Account 14-0627.

Respectfully submitted,

Benjamin S. Lee Reg. No. 42,787

Tel. No. 609 951-2522

December 13, 2005

NEC Laboratories America, Inc. 4 Independence Way Princeton, NJ 08540 Tel No. 609 951-2522 Fax No. 609 951-2480

Docket No. 14406 (NECI-1100)